

IN RE: PETITION FOR VARIANCE  
S/S Glenhurst Road, 330' E of  
the c/l of Cove Road  
(3923 Glenhurst Road)  
15th Election District  
5th Councilmanic District

Henry Nueslein  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-56-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 3923 Glenhurst Road, located in the vicinity of Bletzer Road and the Patapsco Freeway (I-695) in North Point. The Petition was filed by the owner of the property, Henry Nueslein, and the Contract Purchaser, Robert B. Long. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 50 feet and a front setback of 20 feet in lieu of the required width of 55 feet and average front setback of 25 feet, respectively. The subject property is located within the Chesapeake Bay Critical Areas near Back River and is more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Robert Long, the Contract Purchaser. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of .143 acres, more or less, zoned D.R. 5.5 and is presently unimproved. The Petitioners are desirous of developing the lot with a single family dwelling in accordance with the design plan submitted into evidence as Petitioner's Exhibit 2. However, due to the small size of the lot and the fact that there is no additional land on either side of the

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Date

By

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property to meet area requirements, the requested variances are necessary in order to proceed. Further testimony revealed that Mr. Long met with representatives of the Office of Planning and Zoning who reviewed the elevation drawings for the proposed dwelling and that they approved same.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the B.C.Z.R. and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3<sup>rd</sup> day of October, 1995 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a buildable lot with a width of 50 feet and a front setback of 20 feet in lieu of the required width of 55 feet and average front setback of 25 feet, respectively, for a proposed

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dwelling in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with all Zoning Plans Advisory Committee comments submitted hereto and made a part hereof.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated August 23, 1995, attached hereto and made a part hereof.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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By

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Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 3, 1995

Mr. Henry Nueslein  
3922 Glenhurst Road  
Baltimore, Maryland 21222

RE: PETITION FOR VARIANCE  
S/S Glenhurst Road, 330' E of the c/l of Cove Road  
(3923 Glenhurst Road)  
15th Election District - 5th Councilmanic District  
Henry Nueslein - Petitioner  
Case No. 96-56-A

Dear Mr. Nueslein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. Robert B. Long  
3827 Annadale Road, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission  
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM; People's Counsel; Case File

MICROFILMED



CRITICAL  
AREA



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

3923 Glenhurst 11A

96-56-A

which is presently zoned

DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1.

To allow a buildable lot with a lot width of 50 ft. and a front setback of 20 ft. in lieu of the required 55 ft. and 25 ft. front average respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Under size lot that is 50 ft. wide and current owner doesn't own property on either side to meet current Zoning regulations. Lot is sold contingent on getting building permit, I have paid taxes since 1956.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Robert B. Long

(Type or Print Name)

Signature

3827 Annadale Road

Address

Baltimore

City

MD

State

21222

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

Henry Nueslein

(Type or Print Name)

Signature

(Type or Print Name)

Signature

3922 Glenhurst

Address

477-4766

Phone No.

City

State

Zipcode

Name, Address and phone number or representative to be contacted.

Robert B. Long

Name

3827 Annadale Road 388-1974

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8-4-95

52

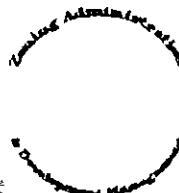
ORDER RECEIVED FOR FILING

Date

By



Printed with Soybean Ink  
on Recycled Paper



# EXAMPLE 3 - Zoning Description

- 3 copies

96-56-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 3923 Glenhurst Road, Baltimore, MD 21222

(address)

Election District 15th

Councilmanic District 5th

Beginning at a point on the South side of Glenhurst  
(north, south, east or west)

Road which is 50 feet  
(street on which property fronts) (number of feet of right-of way width)

wide at a distance of 388 feet North/West of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Bletzer Road  
(name of street)

which is \_\_\_\_\_ wide. \*Being Lot # 11A,  
(number of feet of right-of-way width)

Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of

Glenhurst as recorded in Baltimore County Plat  
(name of subdivision)

Book # C.W.B. Jr. #12, Folio # 22, containing

6250 sq. ft. .143 Acres  
(square feet and acres)

52

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-54-A

District 13th Date of Posting 9/3/95  
Posted for: Variance  
Petitioner: Henry Nelson & Robert Long  
Location of property: 3913 Glenhurst Rd. 3/s  
  
Location of Signs: Facing roadway on property being zoned  
  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 9/8/95  
Number of Signs: 1





TO: PUTUXENT PUBLISHING COMPANY  
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

Robert B. Long  
3827 Annadale Road  
Baltimore MD 21222  
388-1974

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-56-A (Item 52)  
3923 Glenhurst Road  
S/S Glenhurst Road, 330' +/- E of c/l Cove Road  
15th Election District - 5th Councilmanic  
Legal Owner: Henry Nueslein  
Contract Purchaser: Robert B. Long  
HEARING: MONDAY, SEPTEMBER 18, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to allow a buildable lot with a lot width of 50 feet and a front setback of 20 feet in lieu of the required 55 feet and 25 feet front average, respectively.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-56-A  
(Item 52)  
3923 Glenhurst Road  
S/S Glenhurst Road, 330'  
+/- E of c/l Cove Road  
15th Election District  
5th Councilmanic  
Legal Owner(s):  
Henry Nueslein  
Contract Purchaser:  
Robert B. Long  
Hearing: Monday,  
September 18, 1995 at  
2:00 p.m. in Rm. 118, Old  
Courthouse.

Variance to allow a buildable lot with a lot width of 50 feet and a front setback of 20 feet in lieu of the required 55 feet and 25 feet front average, respectively.

**LAWRENCE E. SCHMIDT**  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.  
8/334 Aug. 31.

**CERTIFICATE OF PUBLICATION**

\_\_\_\_\_  
TOWSON, MD., 9/1, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/31, 1995.

THE JEFFERSONIAN,

*A. Henrich*

LEGAL AD. - TOWSON



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-56-A (Item 52)  
3923 Glenhurst Road  
S/S Glenhurst Road, 330' +/- E of c/l Cove Road  
15th Election District - 5th Councilmanic  
Legal Owner: Henry Nueslein  
Contract Purchaser: Robert B. Long  
HEARING: MONDAY, SEPTEMBER 18, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Variance to allow a buildable lot with a lot width of 50 feet and a front setback of 20 feet in lieu of the required 55 feet and 25 feet front average, respectively.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: Henry Nueslein  
Robert B. Long

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

CRITICAL  
No.

007396

96-56-A

DATE 8-4-95 ACCOUNT R-001-6150

AMOUNT \$ 85.00

RECEIVED FROM: MR. Long Contr. Purchaser Site: 3923 Glenhurst Rd.

#010 - Residential, Variance \$50.00

#080 - Sign & Posting 35.00

FOR:

\$ 85.00

0200249230M10HRT

BA 501119AM08-04-95

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 11, 1995

Mr. Robert B. Long  
3827 Annadale Road  
Baltimore, Maryland 21222

RE: Item No.: 52.  
Case No.: 96-56-A  
Petitioner: Nueslein Property

Dear Mr. Long:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over the typed name.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

RECEIVED  
SEP 15 1995



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
August 23, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #52 - Nueslein Property  
3923 Glenhurst Road  
Zoning Advisory Committee Meeting of August 14, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property which is in the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA) must comply with the following regulations:

1. The sum of all man-made impervious areas shall not exceed 25% of the lot.
2. A minimum 25-foot buffer shall be maintained during and after construction around the non-tidal wetlands that are present in the back of the lot. According to the plan that was submitted with the zoning variance, there will be no room for a back yard according to the proposed new house location, and house construction would impact the wetland buffer. A Critical Area variance may be necessary.

JLP:KK:sp

c: Henry J. Nueslein  
Robert B. Long

NUESLEIN/DEPRM/TXTSBP

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BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: Aug. 22, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief <sup>RWB/DAK</sup>  
Development Plans Review Division

RE: Zoning Advisory Committee Meeting  
for August 21, 1995  
Item No. 052

The Developers Engineering Section has reviewed the subject zoning item. Glenhurst Road is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way.

Edgewater Place is an existing road, which shall ultimately be improved as a 50-foot street cross-section on a 70-foot right-of-way.

Please show the ultimate rights-of-ways on the plat.

RWB:sw

8/22/95 1:48 PM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 17, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 29, 52, 55, 63, and 64.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Gary L. Kern*

PK/JL



Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 14, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43,44,45,46,48,49,50,  
51,52,53 AND 54.

10

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REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

RECEIVED

AUG 11 1995

ZADM



**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

8-8-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 052 (JTS)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

**INTER-OFFICE CORRESPONDENCE  
RECOMMENDATION FORM**

**TO:** Director, Office of Planning and Zoning  
Attn: Ervin McDaniel  
County Courts Bldg, Rm 406  
401 Bosley Av  
Towson, MD 21204

**FROM:** Arnold Jablon, Director, Zoning Administration and Development Management

**B** \_\_\_\_\_  
Permit Number

*Zon. Var. Item #52*

**RE: Undersized Lots**

Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992; this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

**MINIMUM APPLICANT SUPPLIED INFORMATION:**

☐ Robert B. Long (410) 388-1974  
Print Name of Applicant Address Telephone Number

☐ Lot Address 3923 Glenhurst Election District 15th Council District 5 Square Feet 6250

Lot Location: N E SW / side corner of Glenhurst 388 feet from SE SW corner of Bletzer Road  
(street) (street)

Land Owner Henry J. Nueslein Tax Account Number 151514900061

Address 3922 Glenhurst Rd. Telephone Number \_\_\_\_\_  
Baltimore, MD 21222

☐ **CHECKLIST OF MATERIALS:** (to be submitted for design review by the Office of Planning and Zoning)  
**PROVIDED?**

	<b>YES</b>	<b>NO</b>
1. This Recommendation Form (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Permit Application	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Site Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Property (3 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Topo Map (available in Rm 206 C.O.B.) (2 copies)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(please label site clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Building Elevation Drawings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Photographs (please label all photos clearly)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoining Buildings	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surrounding Neighborhood	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Residential Processing Fee Paid  
Codes 030 & 080 (\$85)

Accepted by \_\_\_\_\_  
ZOM

Date \_\_\_\_\_

**TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY!**

**RECOMMENDATIONS/COMMENTS:**

☐ **Approval**    ☐ **Disapproval**    ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: \_\_\_\_\_  
for the Director, Office of Planning & Zoning

Date: \_\_\_\_\_

**MICROFILMED**

## PETITION PROBLEMS AGENDA OF

### #44 --- RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

### #45 --- MJK

1. Need power of attorney for person signing for contract purchaser.

### #47--- JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

### #50 --- JLL

1. Notary section is incomplete.

### #51 --- JCM

1. Notary section is incomplete.

### #52 --- JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

### #53 --- JJS

1. No zoning indicated on petition form.

10-20-80 11:00 AM

RE: PETITION FOR VARIANCE  
3923 Glenhurst Road, S/S Glenhurst Rd,  
330'+/- E of c/l Cove Road, 15th  
Election District, 5th Councilmanic

Henry Nueslein  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-56-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to Henry Nueslein, 3922 Glenhurst, Baltimore, MD 21222, Petitioner, and to Robert B. Long, 3827 Annadale Road, Baltimore, MD 21222, Contract Purchaser.

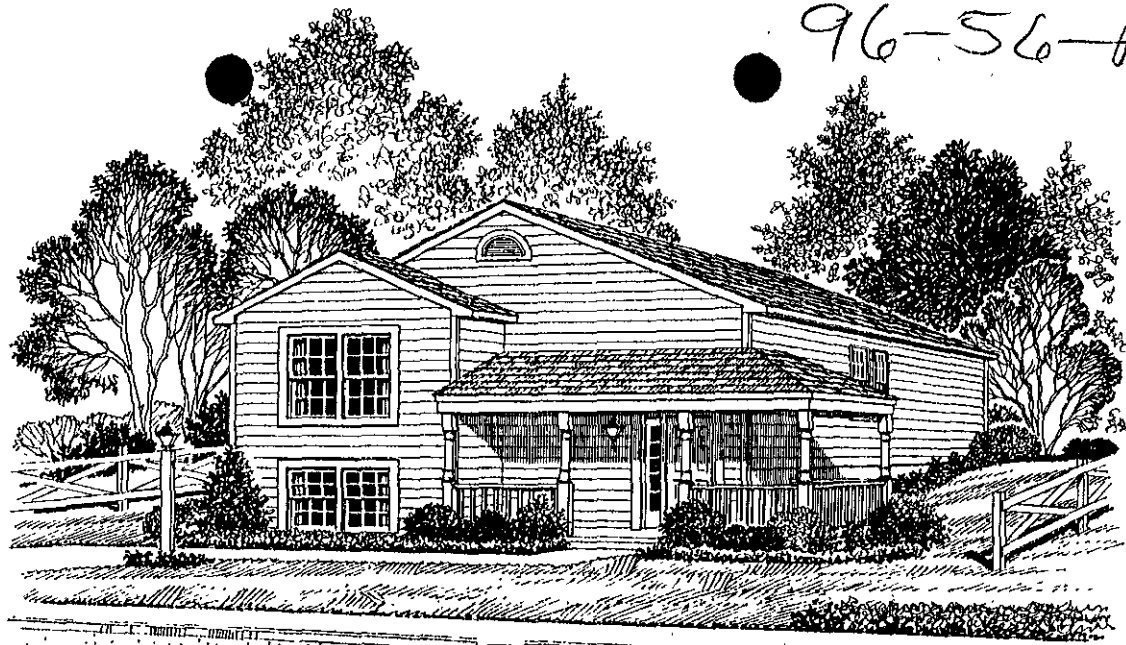


PETER MAX ZIMMERMAN

96-56-A

Essex II

2844

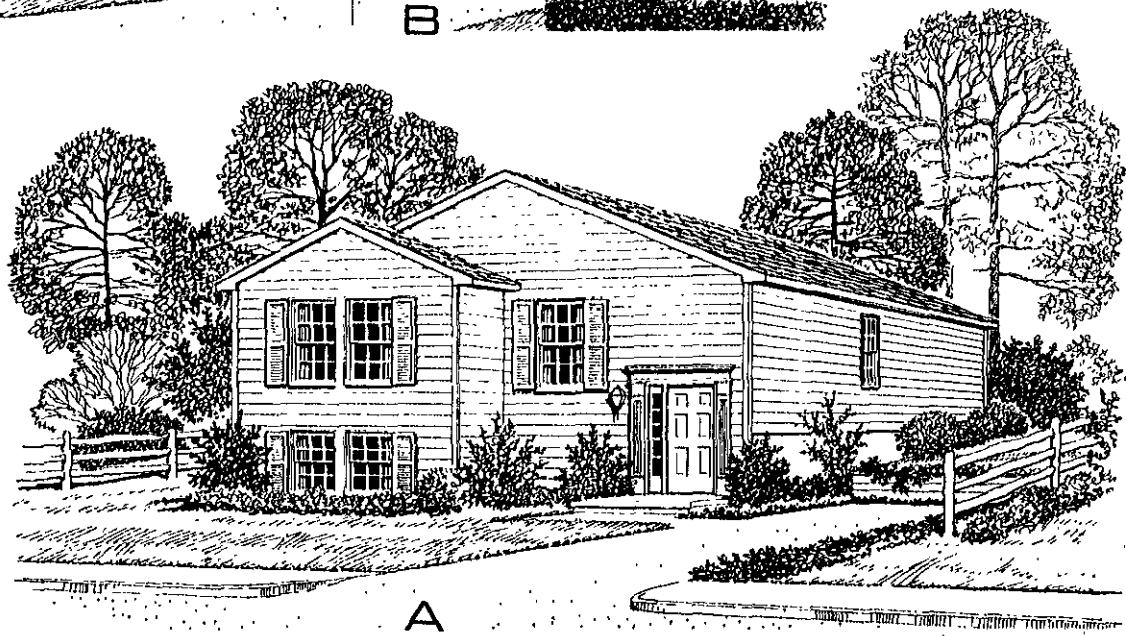


C

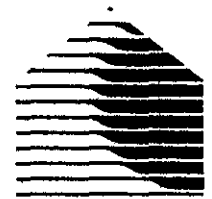
# PETITIONER'S EXHIBIT 2



B

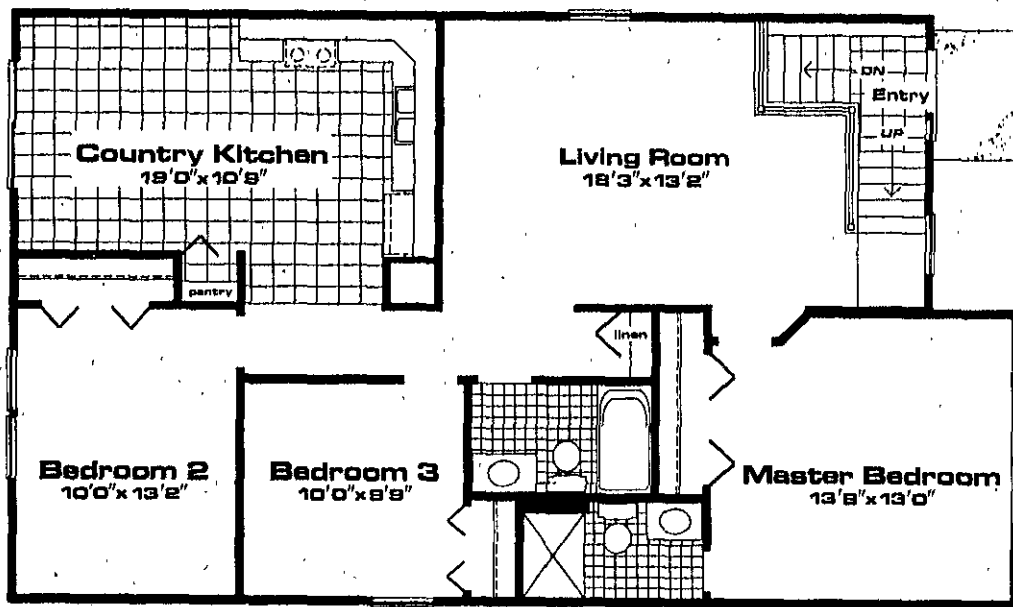


A



Regional Building Systems  
The Builder's Builder™

NOT TO SCALE

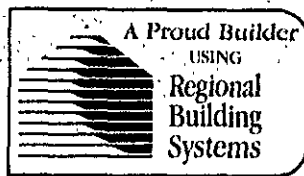


Optional Elevations  
B or C

Elevation A

1203  
TOTAL SQ. FT.

## Floor Plan Essex II - 2844



All floorplans and exterior renderings are artist's conceptions. All dimensions are approximate. Floorplans, exteriors and standard features may vary based on the elevation and options selected. Regional Building Systems reserves the right to modify all plans and specifications without notice or obligation.

# PETITIONER'S EXHIBIT 1 96-56-4

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3923 Glenhurst Road

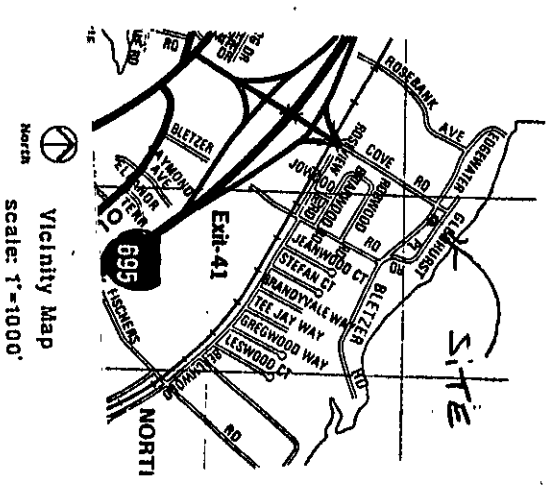
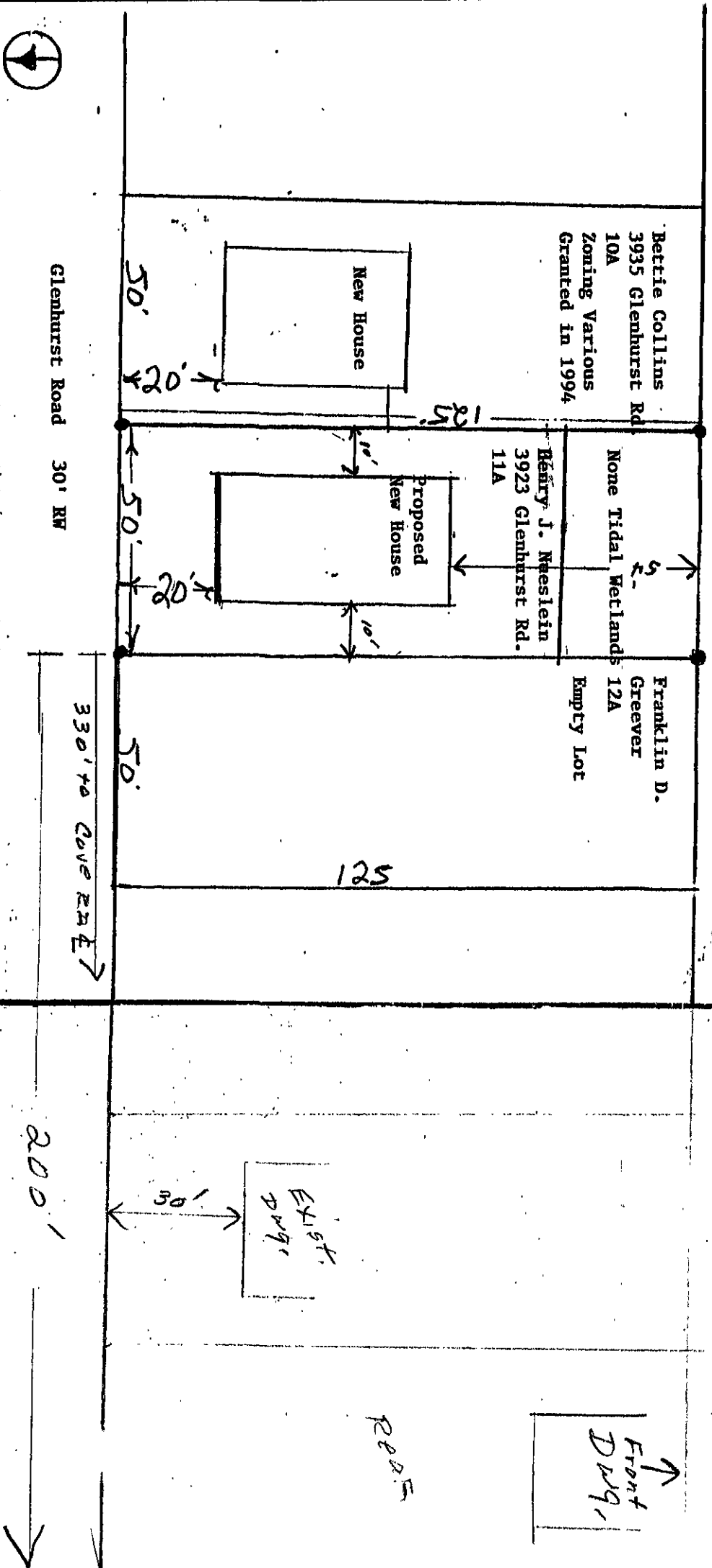
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Glenhurst

plat book# 12, folio# 22, lot# 11A, section#

OWNER: Henry J. Nueslein/Contract Purchaser - Robert B. Long

County Road Edgewater Pl.



LOCATION INFORMATION

Election District: 15th

Councilmanic District: 5

1"=200' scale map#: SE, 2-G

Zoning: DR 5.5

Lot size: .143 acreage

6250 square feet

SEWER: ☒ public ☐ private  
WATER: ☒ public ☐ private  
Chesapeake Bay Critical Area: ☒ Yes ☐ No

Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

52









BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

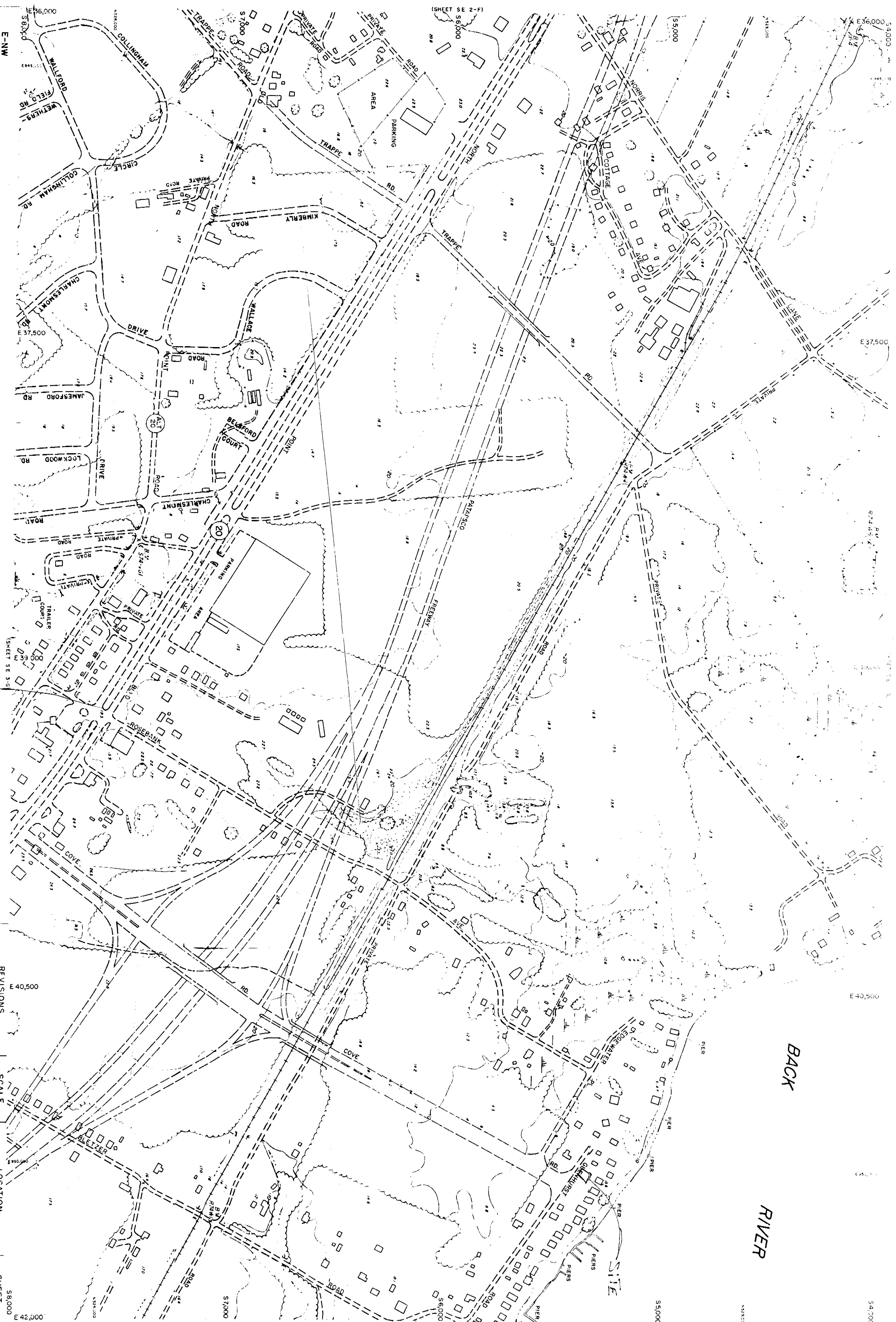
SCALE	LOCATION	SHEET
1" = 200' ±	NORTH POINT	S.E.
DATE OF PHOTOGRAPHY JANUARY 1986		2-6

96-56-A



# PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	NORTH POINT	S E 2-6
Topography Compiled By Photogrammetric Methods AERIAL SURVEY CORP. LANSING, MICH.				



96-56-A







BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

LOCATION  
NORTH POINT

SHEET  
S.E.  
2-6

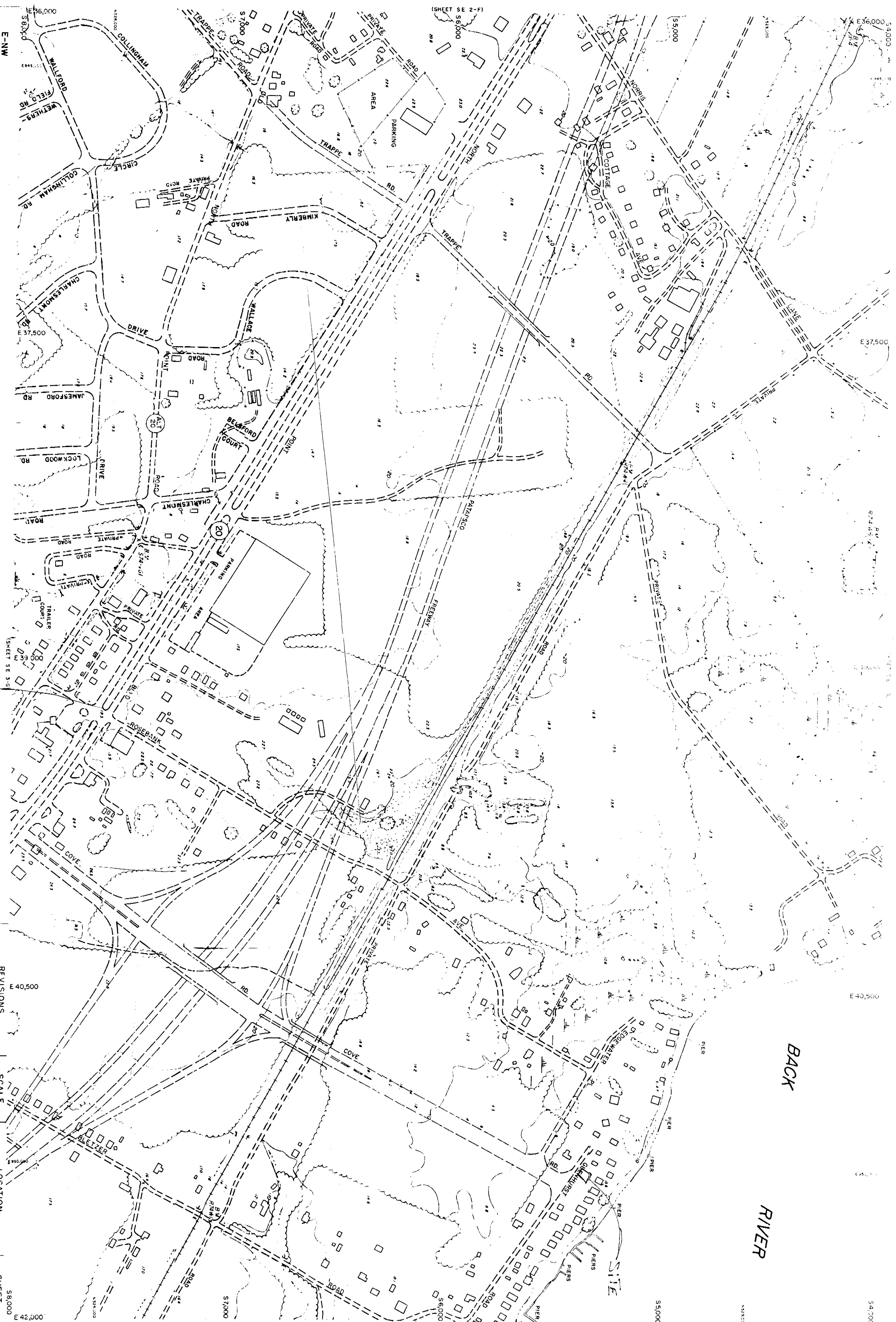
DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

96-56-A



# PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	NORTH POINT	S E 2-6
Topography Compiled By Photogrammetric Methods AERIAL SURVEY CORP. LANSING, MICH.				



96-56-A

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
AND ZONING VARIANCE \* ZONING COMMISSIONER  
NEC Wise Avenue & Lynch Road \*  
7900 Wise Avenue \* OF BALTIMORE COUNTY  
12th Election District \* Case No. 96-59-XA  
7th Councilmanic District \*  
Weinman Corporation \*  
Petitioner \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Exception and Zoning Variance for the property located at 7900 Wise Avenue in the Dundalk section of Baltimore County. The Petitions are filed by the Weinman Corporation, property owners. Special Exception relief is requested for a fuel service station and convenience store in a B.L.-A.S. zone. Variance relief is requested from Section 405.4.A.2.a. of the Baltimore County Zoning Regulations (BCZR), to allow a 22 ft. building setback in lieu of the required 35 ft. All of the relief requested is more particularly shown on Petitioner's Exhibit No. 1, the site plan to accompany the Petitions for Special Exception and Variance.

Appearing at the requisite public hearing held for this case was Brian Darnell on behalf of High's of Baltimore, Inc., the business which presently operates and proposes expansion on site. Also present was John Sherwood III, a Consultant with Legg Mason Realty Group. Michael Maguire and Melanie Moser from Daft, McCune, Walker also appeared and testified. The Petitioner was represented by G. Scott Barhight, Esquire. Numerous residents of the surrounding locale appeared in opposition to the request. Spokesmen for these residents were Martin Spatafore and Scott Gardner.

Examination of the site plan shows that the subject property is located on the northeast corner of Wise Avenue and Lynch Road in Dundalk. The subject property is approximately .547 acres in area and is zoned B.L.-A.S. Photographs of the site which were submitted which show that the

subject property is presently improved with a High's Convenience Store, a Sunny's Surplus store and a drycleaners. Presently, there are four curb cuts which provide access to the property. Two of these curb cuts about Wise Avenue and the other two about Lynch Road.

Mr. Darnell, Vice President of High's of Baltimore, Inc., testified and described his company's plans. He is employed in the Real Estate Division of High's of Baltimore, Inc. He noted that the subject property is improved with an existing High's store which is 2,080 sq. ft. in area. The store has been in operation for approximately 10 years. As noted above, two other businesses operate on the site, a Sunny's Surplus Discount Store and a drycleaners. High's proposes making extensive renovations to the property. The Sunny's Surplus and drycleaning business will be closed and buildings removed. Two fuel pump islands will be installed to dispense fuel. The High's store will remain. Mr. Darnell noted that his company is changing its marketing strategy to adjust to changing conditions in the market place. He noted that many oil companies are doing away with their service garage operations and repair businesses. As is clear to anyone who drives the roadways in Baltimore County, many of the oil companies are operating fuel service only facilities with accessory convenience stores. In an effort to meet this competition, High's Convenience Store will offer fuel sales. Mr. Darnell noted that the present hours of operation, 5:30 A.M. to 11:00 P.M., 7 days a week, will remain the same. Moreover, the High's store will continue to sell the same merchandise as before.

Section 405 of the BCZR regulates fuel service stations in Baltimore County. Section 405.3 provides that the Zoning Commissioner, prior to granting any special exception for a fuel service station, should consider the presence of abandoned fuel service stations in the vicinity of the proposed site. If an abandoned fuel service station is located within one

half mile of the subject property, a rebuttable presumption is established that there is no need for the proposed use.

Testimony and evidence from the Petitioner is that there are no abandoned stations within one-half mile. The Petitioner admits that other stations have closed within the area, however, contend that same have not been legally abandoned.

Nonetheless, the Petitioner offered testimony to rebut the presumption raised within Section 405.3 of the BCZR. In this regard, the testimony of John R. Sherwood, a Vice President of Legg Mason Realty Group, was elicited and his report was submitted as Petitioner's Exhibit No. 5. The report speaks for itself and will not be reviewed in detail here. Needless to say, however, it concludes that the High's Convenience Store, coupled with fuel sales, is economically viable at this location and would serve the needs of this community. Based upon this testimony, I am persuaded that High's has met the standard established within Section 405 of the BCZR.

Testimony was also received from Stephanie Moser, a Landscape Architect with the firm of Daft, McCune, Walker. She submitted copies of the site plan proposed landscape plan which show the numerous improvements which are proposed for this site. In addition to extensive buffering around the perimeter of the property, two entrances will be closed, one on Lynch Road and the other on Wise Avenue. This will clearly result in better internal traffic circulation on the property, as well as reducing the number of curb cuts to these public streets and providing an enhanced safety factor. It is also to be noted that the internal impervious area of the subject site will be reduced.

For their part, the Protestants are distrustful of High's plans. Many of their comments related to the lack of need for additional fuel sales station in this location and concerns over the loss of the drycleaners and

Sunny's Surplus business. It is to be noted, however, that preferences in retail use are not a basis upon which zoning relief can be denied.

Comments were also received from the Zoning Plans Advisory Committee. This committee is composed of agencies of Baltimore County which review zoning Petitions and offer recommendations to the Zoning Commissioner. A comment from the Office of Planning and Zoning states that "The proposed change of the site will contribute to the ongoing effort to improve the commercial corridor along Wise Avenue." I concur. In my view, the Protestants' concerns are unfounded and the proposed development offers an opportunity for real improvement and upgrade to this old commercial site.

The Petition for Special Exception for the subject use must be considered in accordance with the standards set forth in Sections 405 and 502.1 of the BCZR. In my view, the Petitioner has satisfied the requirements of these sections. There is no basis on which to conclude that the proposed use will cause a detriment to the health, safety or general welfare of the locale. To the contrary, I concur with the Office of Planning and Zoning and find that the proposed use will be a real benefit to the vicinity. Thus, the Petition for Special Exception should be granted.

The Petition for Zoning Variance should also be approved. This Petition is requested to essentially legitimize existing conditions. A requested setback relates to the distance from southwest corner of the building to the street right of way on Lynch Road. There is no practical reason for relocating the building to meet this setback. Such a relocation would disrupt internal traffic flow and circulation. Moreover, it is clear that the property is unique in view of its irregular shape. That is, the intersection of Lynch Road and Wise Avenue is not the classic cross shaped intersection which is preferred by Traffic Engineering. The angled intersection results in reduced side yard area on the subject lot and the need for the

requested variance. In my view, the Petitioner has satisfied the tests for a variance to be granted as set forth in Section 307.1 of the BCZR and the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of October, 1995 that, pursuant to the Petition for Special Exception, approval for a fuel service and convenience store in a B.L.-A.S., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.a. of the Baltimore County Zoning Regulations (BCZR), to allow a 22 ft. building setback, in lieu of the required 35 ft., be and is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The subject business shall operate only in the hours of 5:30 A.M. to 11:00 P.M., 7 days per week.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4356

October 11, 1995

G. Scott Barhight, Esquire  
David K. Gildea  
Whiteford, Taylor and Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Petitions for Special Exception and Variance  
Case No. 96-59-XA  
Weinman Corp., Petitioner

Gentlemen:

Enclosed please find the decision rendered on the above captioned case. The Petitions for Special Exception and Zoning Variance have been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,  
Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.  
cc: Mr. Brian Darnell, 1340-L Cherwood Road, Hanover, Md. 21076  
cc: Mr. Martin Spatafore, 7914 Diehlwood Road, Balto. Md. 21222  
cc: Mr. Scott Gardner, 7922 Wise Avenue, Balto. Md. 21222

Petition for Special Exception  
96-59-XA  
to the Zoning Commissioner of Baltimore County  
for the property located at 7900 Wise Avenue  
which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for:

Fuel service station and convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I or we agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner  
Type of Petition Name  
Signature  
Address  
City State Zip  
Name Address and phone number of representative to be contacted  
David K. Gildea  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204 (410) 832-2000  
ESTIMATED LENGTH OF HEARING  
ALL  
REVIEWED BY DATE

Petition for Variance  
96-59-XA  
to the Zoning Commissioner of Baltimore County  
for the property located at 7900 Wise Avenue  
which is presently zoned BL-AS

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

Section 405.4.A.2.a -- to allow a 22' (twenty-two foot) building set-back in lieu of the required 35' building set-back.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be presented at the hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner  
Type of Petition Name  
Signature  
Address  
City State Zip  
Name Address and phone number of representative to be contacted  
David K. Gildea  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204 (410) 832-2000  
ESTIMATED LENGTH OF HEARING  
ALL  
REVIEWED BY DATE

ORDER RECEIVED FOR FILING  
Date 10/11/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/11/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/11/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/11/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 10/11/95  
By [Signature]



58  
96-59-XA  
Description to Accompany Petition for Special Exception and Variance  
0.55 Acre Parcel  
Northeast Side of Wise Avenue  
Southeast Side of Lynch Road  
Twelfth Election District, Baltimore County, Maryland

DMW

Duff-NPCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 295-3333  
Fax 295-4705

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Beginning for the same on the northeast side of Wise Avenue and being at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Lynch Road with the centerline of Wise Avenue (1) South 57 degrees 57 minutes 00 seconds East 48 feet, more or less, thence (2) North 19 degrees 57 minutes 00 seconds East 36 feet, more or less, thence leaving said beginning point and binding on the said side of Wise Avenue (1) Northwesterly by a line curving to the right with a radius of 20.00 feet for a distance of 27.47 feet (the arc of said curve being subtended by a chord bearing North 18 degrees 36 minutes 07 seconds West 25.36 feet having a beginning tangent bearing of North 57 degrees 57 minutes 00 seconds West and a departing tangent bearing of North 19 degrees 57 minutes 00 seconds East) to intersect the northeast side of Lynch Road, thence binding thereon (2) North 19 degrees 57 minutes 00 seconds East 133.61 feet, thence leaving said side of Lynch Road and running the following two courses and distances, viz: (3) South 57 degrees 57 minutes 00 seconds East 179.43 feet, and thence (4) South 32 degrees 03 minutes 00 seconds West 147.09 feet to intersect said side of Wise Avenue, thence binding thereon (5) North 57 degrees 57 minutes 00 seconds West 133.61 feet to the place of beginning, containing 0.55 acres of land, more or less.

Page 1 of 2

96-59-XA  
THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES  
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.  
August 8, 1995  
Project No. 95001 (L95001)



Page 2 of 2

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 8/1/95  
Posted for: Special Exception to Variance  
Petitioner: Weinman Corp.  
Location of property: 7700 Wise Ave.  
Location of Sign: Along roadway on property being zoned  
Remarks:  
Posted by: [Signature] Date of return: 8/5/95  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/31, 1995.

THE JEFFERSONIAN,

[Signature]  
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-59-XA (Item 58)  
7700 Wise Avenue (High's)  
NEC: Wise Avenue and Lynch Road  
12th Election District  
7th Councilmanic  
Legal Owner: Weinman Corporation  
Hearing: Tuesday, September 19, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for fuel service station and convenience store. Variance to allow a 22-foot building setback in lieu of the required 35-foot building setback.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.  
(2) For information concerning the file and/or hearing, please call 887-3351.  
8/31/95

58  
Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 58  
Petitioner: Weinman Corp.  
Location: 7700 Wise Ave.  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: David K. Gilliam, Esq.  
ADDRESS: Whiteford, Taylor & Preston  
710 W. Penn. Ave. Towson, Md. 21204  
PHONE NUMBER: (410) 887-2066

AJ:ggg

(Revised 04/09/93)

TO: FUTURE PUBLISHING COMPANY  
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

David K. Gilliam, Esq.  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, MD 21204  
832-2066

NOTICE OF HEARING

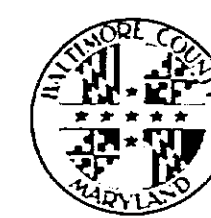
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number: 96-59-XA (Item 58)  
7700 Wise Avenue (High's)  
NEC: Wise Avenue and Lynch Road  
12th Election District - 7th Councilmanic  
Legal Owner: Weinman Corporation  
HEARING: TUESDAY, SEPTEMBER 19, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for fuel service station and convenience store. Variance to allow a 22-foot building setback in lieu of the required 35-foot building setback.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-59-XA (Item 58)  
7700 Wise Avenue (High's)  
NEC: Wise Avenue and Lynch Road  
12th Election District - 7th Councilmanic  
Legal Owner: Weinman Corporation  
HEARING: TUESDAY, SEPTEMBER 19, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for fuel service station and convenience store. Variance to allow a 22-foot building setback in lieu of the required 35-foot building setback.

[Signature]  
Arnold Jablon  
Director

cc: Weinman Corporation  
David K. Gilliam, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO P.O. BOX 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 13, 1995

G. Scott Barhight  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue  
Towson, Maryland 21204

RE: Item No.: 58  
Case No.: 96-59-XA  
Petitioner: Mark Weinman

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 8, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM  
FROM: Pat Keller, Director, OP  
SUBJECT: 7900 Wise Avenue

DATE: August 29, 1995

INFORMATION:  
Item Number: 58  
Petitioner: Weinman Corporation  
Property Size:  
Zoning: BL-AS  
Requested Action: Special Exception and Variance  
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a special exception and a variance in order to improve this existing property with a fuel service station and convenience store.

Based upon a review of the information provided, staff finds that the proposed change to the site will contribute to the ongoing effort to improve the commercial corridor along Wise Avenue. Therefore, this office supports the applicant's request.

Prepared by: *Jeffrey W. Long*  
Division Chief: *Camper*  
PK/JL

ITEM58/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
FROM: Robert W. Bowling, P.E., Chief  
SUBJECT: Zoning Administration and Development Management

DATE: Aug. 28, 1995

Development Plans Review Division  
RE: Zoning Advisory Committee Meeting  
for August 28, 1995  
Item 058

The Development Plans Review Division has reviewed the subject zoning item. If the Special Exception is granted, the new entrance shall be built per Dept. of Public Works Standard Plate R-28 and Plate R-36, Road and Street Details.

The final landscape plan must include major deciduous trees along Lynch Road and Wise Avenue.

RWB:sw

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-1500

DATE: 08/23/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 21, 1995

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 29, 55, 56, 57, 58, 60, 62, 63 & 64.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4661, MS-1102F

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZACM Joyce Watson  
FROM: DEPRM  
SUBJECT: Zoning Advisory Committee  
Agenda: 8/21/95

DATE: 8/24/95

ZAC Comments

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s:  
29  
55  
57  
58  
61  
63  
S

LS:sp

LETTY2/DEPRM/TXTSPB



David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 058 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

DATE: August 8, 1995

TO: Hearing Officer

FROM: John L. Lewis  
Planner II, PDM

SUBJECT: Item #58  
7900 Wise Avenue

There is a 2-foot parking aisle with deficiency at one point (20 feet in lieu of 22 feet, per Section 409.4C), which was not covered in the variance. The applicant desired to file without referencing this request with the intent of red-lining a plan at the hearing to correct the problem. They wished to file ASAP and I advised them of potential risks of doing the red-line at the hearing though I am not opposed to their proposed correction (of course).

The "C" store is more than 1,500 square feet so it is a special exception use-in-combination with a service station.

JLL:scj

RE: PETITION FOR SPECIAL EXCEPTION  
PETITION FOR VARIANCE  
7900 Wise Avenue (High's), NEC Wise Ave  
and Lynch Road, 12th Election District,  
7th Councilmanic  
Weinman Corporation  
Petitioner

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-59-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

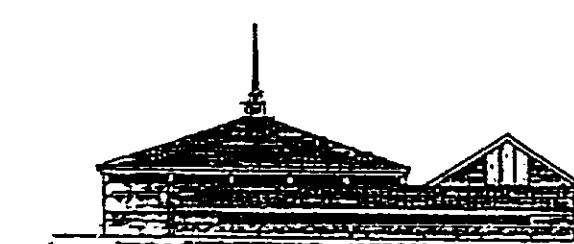
*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carol S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 287-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

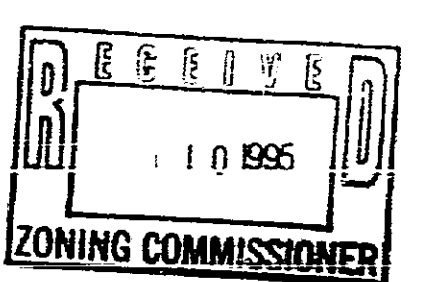


Eastern Assembly of God  
7923 Wise Avenue  
Baltimore, Maryland 21222

Pastor George Raduano  
(410) 285-6010

October 4, 1995

THE HONORABLE JUDGE LAWRENCE SCHMIDT  
Zoning Commission - Old Court House  
400 Washington Ave.  
Room 112  
Towson, MD 21204



Dear Judge Schmidt,

I am writing concerning the proposed zoning variance at the corner of Lynch Rd. and Wise Ave. in Drodalk.

To my knowledge everyone in the area is opposed to the variance, especially those close by. It will affect their privacy and work a hardship because it will decrease residential property values.

We do not feel that there is a need for an other service station here, for the following reasons:

1. There are ample service stations on Wise Ave., Holabird Ave. and Meritt Blvd. and also a new service station on the corner of German Hill Rd. and Plainfield Rd. All within a one mile radius.
2. Across from the proposed site, on each corner there used to be service stations which are both closed probably due to lack of business.
3. The Wise Ave. traffic has been greatly reduced due to reduction of employees at the steel mills.
4. Those who have invested in residential property will be forced to absorb a loss in property value.
5. Neighbors and businesses are satisfied with its present use.

Thank you for your consideration in this matter.

If I can be of any further assistance please feel free to call.

Very truly yours,

*George Raduano*  
George Raduano  
Pastor

GB/adr

"Presenting Christ to a lost world"

9 September 1995  
ZONING: This is in reference to case #96-59 - XA  
The community of Wise Ave and Diehlwood Rd certainly  
do PROTEST this change. We do NOT want 2 gas pumps under our  
single lovely homes windows.  
Therefore, we petition this action?  
Neighbors this is located on the corner of Wise & Lynch,  
High's wants to tear down Sunny's and the Cleaners and install these  
2 pumps.

Mrs. Elizabeth Wank 7906 Wise Ave.  
Mr. Mrs. Harold S. McDevine 7907 Diehlwood Rd.  
Mr. & Mrs. Richard Stieglitz 7901 Diehlwood Rd.  
Mr. & Mrs. James Sijmme 7900 Wise Ave.  
Mrs. ROBERT L. NIKEN 7900 Diehlwood Rd. 22  
John Spatafore 7914 Diehlwood Rd.  
Francis H. Chesole 7915 Diehlwood Rd.  
Barbara Vaughan 7912 Diehlwood Rd.  
Mr. Mrs. Donald Neche  
7910 Diehlwood Rd.  
County Cleaners 7912 Wise Ave.  
Melvin B. Landner 7908 Wise Ave.  
Diana & Charley (7910 Wise Ave.) Huffer  
Melissa & Neal Sumatt 7912 Wise Ave.  
Katherine Smith 7916 WISE AVE  
John 7918 WISE AVE  
Clayton C. Owens III 7917 Diehlwood Rd.  
Mr. & Mrs. Howard Jones 7911 Diehlwood Rd.  
John E. Chaskal 7916 Diehlwood Rd.  
Mr. & Mrs. James Foster 7914 Diehlwood Rd.  
John Spatafore 7912 Diehlwood Rd.

Page 2 continued:  
ZONING: This is in reference to Case #6-59 - XA  
The community of Wise Ave and Diehlwood Rd Certainly do PROTEST  
this change???

Mr. & Mrs. Polanowski 7924 Diehlwood Rd.  
Nancy Schuler 7929 Diehlwood Rd.  
Karen M. Jones 7905 Diehlwood Rd.  
John 7904 Diehlwood Rd.  
Ince Woodley 7913 Diehlwood Rd.  
Don P. Conner 7922 Wise Avenue  
Carolyn Smith 7913 MARRITT BLVD 21222  
Lou Schuler 7930 Diehlwood Rd 21222  
Marian Wiedgloth 7909 Diehlwood Rd 21222  
Karen Huxley 7903 Courtney (Cleaners)  
Rev. Joseph Adams 7923 Wise Ave 21222  
Easton A. Adams 7903 'Eod Church  
William Jones 7909 Wise Ave. Inwood Presbyterian  
Donna Buggard 7900 Wise Ave  
John 7920 Diehlwood Rd.  
Wira Shillott 7931 Diehlwood Rd.  
Patricia Cagg 7935 Wise Ave 21222  
Goffin Johnson 7930 Diehlwood 21222  
Theresa Wmiller 7902 WISE AVE EMPLOYEE COURTESY  
Anthony C. Connelly 7927 Diehlwood 21222

Page 3 continued:  
ZONING: This is in reference to Case #96-59 - XA  
The community of Wise Ave and Diehlwood Rd. Certainly do PROTEST  
this change???

John & Howells 7900 WISE AVE 21222  
John 7914 Diehlwood Rd 21222  
John B. Dumbrowsky 7916 Diehlwood Rd 21222  
Catherine F. Filly 7923 Diehlwood Rd 21222  
John 7918 Wise Ave

PLEASE PRINT CLEARLY  
PETITIONER(S) SIGN-IN SHEET  
NAME ADDRESS  
Brian Darnell 1340 L. Charwood Rd Hanover, MD 21076  
John 7914 Diehlwood Rd 21222  
MIKE HADWIKER 7 E. PENNSYLVANIA AVE 21286  
MELANIE MOSER

PLEASE PRINT CLEARLY  
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
MARTIN SPATAFORE	7914 Diehlwood Rd
KATHERINE SMITH	7916 WISE AVE
John B. Dumbrowsky	7916 Diehlwood Rd
Walter B. Chaskal	7912 WISE AVE
Karen Huxley	7903 Courtney
George Wiedgloth	7909 Diehlwood Rd
Marian Wiedgloth	7909 Diehlwood Rd
John P. Conner	7922 WISE AVE
John 7918 WISE AVE	
Francis H. Chesole	7915 Diehlwood Road
Robert P. Conner	7922 WISE AVE
Don P. Conner	7922 WISE AVE
John Howells	7900 WISE AVE

spokesmen

17 September 1995  
7914 Diehlwood Rd.  
Baltimore 21222, Md.  
DEPARTMENT OF ZONING, Baltimore County,  
Case #96-59 - XA

TO WHOM IT MAY CONCERN:  
Please understand if it were humanly possible for my husband (John) and myself (Irene Spatafore) to be at this hearing, we most certainly would be. But we will be out-of-town. Therefore, we are sending our son Martin John Spatafore to represent us with this letter.  
About 30 years other people in this community be it elders or Civic Assoc. they were interested in keeping this area strictly residential and blocked a proposed Deli-Confectionary Store and maybe package goods and we are eternally grateful for Diehlwood Rd. and Wise Ave to remain residential. They also blocked in the 1970's a proposed Day Care Center. Both of these businesses wanted to create another driveway entrance on Diehlwood Rd. We were never against people themselves but to the zoning change.  
We think that this posted Zoning Notice of wanting to tear down Old Sunny's and Courtney Cleaners and put up 2 big gas pumps is deplorable. We don't want to know for the most hazardous corner in Dundalk. And to think these 3 perimeter homes will not be able to open a window or door because of the gas fumes is just outrageous. I sympathize for these people, because I could have been 1 of these home owners. Real Estate has Diehlwood Rd. listed as a Prime street in Dundalk, but who knows if our house value takes a turn for the worst.  
I walked these many houses with the enclosed signatures and neighbors are upset to even think of the extra crime rate this will bring. What is robbed more?? Convenience stores and gas stations. I would dread the thought of the offenders jumping fences and hiding around houses (individual) on Diehlwood Rd. and Wise Ave.  
The congestion at this corner is more than any driver wants to contend with. The children's safety is another factor. I wish I had more time to go to the principles of Our Lady of Hope, General John Stricker and Patapsco Senior High and make them aware of all the above hazards. But, time was against me. 15 days was not enough to see and talk to every one concerned.  
You must remember this neighborhood is 36 and 38 years old. Therefore, the representation today might be small but this was not our intent. We have many elders on this street, widows and widowers, ages 85, 84, 84, 78, etc. The last 6 houses sold in the last 5-6 years all are young and both need to work. Our latest homeowner are in their 20's and bought 4 March 1994. The last empty lot on Diehlwood was just sold this past July '95 to property owners in their 30's.  
I will keep pounding the sidewalks in this community as long as it stays liveable and safe for all of us.

Thank You,

John Spatafore  
Irene Spatafore  
John Spatafore

JONATHAN F. GERLACH  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 17, 1997  
John P. Spatafore

To Whom It May Concern: Re: Case #96-59 - XA

I wish to voice my opposition to the proposed zoning variance for the property located at Wise Avenue and Lynch Roads. The property is currently occupied by the High's convenience store, Wise Buys, and Courtney Cleaners.

The proposed zoning variance to relax the standard amount of footage to locate fuel pumps on the property is not in the best interest of the community, may well lead to a dangerous situation due to the nature and size of the property, and should be denied.

I understand that the standard number of feet for locating fuel pumps is 35 feet from the street and the variance proposes to locate the pumps only 22 feet from the street. This variance proposes to relax the normal standards regarding footage required for locating fuel pumps by more than one third. This fact, coupled with the fact that the property is boarded by residential properties on its rear and one side, certainly should be enough to disapprove the variance.

Relaxing footage requirements by such a large amount may be acceptable in a rural area or in an area that is sparsely populated. The area in which the variance is proposed is congested, withstands a lot of foot traffic due to the schools, churches, and businesses in the area, and is not conducive to locating fuel pumps in such a small space.

As a property owner just around the corner from the proposed site, I am dismayed at what might happen to property values in the neighborhood if such a liberal variance is granted and I urge you to deny the request.

Sincerely,

James G. Leoni

Jonathan F. Gerlach  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 17, 1997

Re: Case #96-59 XA 09/17/95

To Whom It May Concern  
This letter is written in protest of the request to change the corner on Wise Ave & Lynch Rd. to a filling station. The change would not be for the betterment of the neighborhood.  
Barbara Vaughan

JONATHAN F. GERLACH  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires March 17, 1997  
John P. Spatafore



9/11/95  
 To Whom it may concern Case #96-59 XA  
 We protest the rezoning of the property that Sunnyside High & the cleanup establishment occupy on Wise Avenue.  
 A gas station will lower the value of our houses and further impact the traffic problem we already have to suffer.  
 It would be unkind of us to ask for a 13 foot setback on our property therefore we object to this proposal.  
 Madeline Becker  
 (Madeline Becker)

Jonathan F. Gerlach  
 Notary Public State of Maryland  
 My Commission Expires March 17, 1997  
 Jonathan F. Gerlach

DEPARTMENT OF ZONING, Baltimore County  
 15 September 1995  
 7906 Wise Avenue  
 Baltimore 21222, Md.

TO WHOM IT MAY CONCERN:

Who Am I? My name is Elizabeth Waneck and I live at 7906 Wise Ave, next to the complex of Courtney Cleaners, Old Sunnyside Surplus (Wise Buys - now) and High's Convenience Store.

I bought my home 38 years ago and kept my premises very nicely groomed and cleaned. I was thrilled to have moved here mostly because of my daughter and son-in-law and 2 granddaughters living 7 houses up the street on Wise Ave from me. What Mother and Dad wouldn't been happier to have their only child living this close.

My husband died July 4th, 1983, so you see I've lived there 12 years by myself and I do not drive, so talk about a convenient family. I am blessed.

My house is a 2 bedroom rancher, (no steps) and lots of windows for light and air. I have watched businesses open and close on those four (+) corners of Wise and Lynch Rds. But mostly what I have enjoyed the most is the children walking and being guided across the streets by an official crossing guard. I have seen all kinds of dress codes, all shapes and sizes. But I've watched them grow up from Our Lady of Hope Elementary School, to General John Stricker and Patapasco Senior High School.

Please don't make my corner so much congested for those future generations of children. Make them safe.

I am sorry I cannot be with you today but I took sick this July and I am on oxygen and not able to move around much. But if I were well, you would all be hearing from me and listening to a lady in her 80's.

I do not understand, at this time, my daughter Mrs. Bernadine Sizemore is now my spokesperson.

Sincerely,  
 9/11/95  
 James A. Cowman  
 Notary  
 Mrs. Elizabeth Waneck  
 Bernadine Sizemore  
 Power of Attorney  
 9/11/95  
 26/11/95

DEPARTMENT OF ZONING, Baltimore County  
 15 September 1995  
 7920 Wise Avenue  
 Baltimore 21222, Md.

TO WHOM IT MAY CONCERN:

Our names are Bernadine and James Sizemore and we are also 38 year residents of Wise Ave and are now caregivers with legal authority for Mrs. Elizabeth Waneck at 7906 Wise Ave (the main house in issue next to this complex.)

Department of Zoning I do not understand why you gave this community of Diehlwood Rd. and Wise Ave, approximately 35 houses (individual) with so much concern of only 15 days of a posted Zoning Notice. My friends and neighbors, helped us so much getting this petition together but there was so much more work to do.

Mainly my husband and I cannot be at this hearing because of a planned trip (9 months ago) and we are so upset because of this overbearing request, to put of all things - smelly and fume digested gas pumps. What is the Real Estate value of all these 35 houses. Century 21 agents tell me because of this "obstruction" the value of these many houses will go down but mostly my Mother's at 7906 Wise Ave and the other 2 houses 7901 Diehlwood Rd. and 7907 Diehlwood Rd.

Yes, there was a gas station (on the point) many years ago but we did not have the pollution that everyone is putting up with now or the many more houses built in this area, or the over-bearing population and the many more hundreds of cars daily on this corner.

If time permitted, I would have gone to the Baltimore County Police Station, Merritt Blvd, Dundalk and got the statistics of the many accidents on this very, very busy corner.

Plus my Mother fought many battles and jumped many hurdles to keep this complex clean. Sorry to say but the owner of this property is not clean at all. His grass is over-run around gardens, junk and debris is always piled up in back. Oh the public might not see it but it was an eye-sore to my Mom at all times. Therefore, what kind of landlord can we expect now, abandoned gas cans, oil drums piled up and more debris????

We as the caregivers of this property of 7906 DO NOT feel it wise to grant you the 13 feet shortage in order to obtain this permit. And we are happy to see and hear that our neighbors are such caring people for their own properties.

9/11/95  
 James A. Cowman  
 Notary  
 Bernadine Sizemore  
 James Sizemore  
 9/11/95  
 26/11/95

96-59-XA

BALTIMORE COUNTY  
 ZONING PLANS  
 ADVISORY COMMITTEE

PETITIONER'S  
 EXHIBIT 4

PETITION AND SITE PLAN  
 EVALUATION COMMENTS

Final Report  
 Market Analysis  
 GAS AND GO OPERATION  
 AT THE  
 WISE AVENUE HIGH'S DAIRY STORE  
 DUNDALK, BALTIMORE COUNTY, MARYLAND

Prepared For:  
 HIGH'S OF BALTIMORE, INC.  
 1340-L Charwood Road  
 Hanover, Maryland 21076

Prepared By:  
 LEGG MASON REALTY GROUP, INC.  
 7 E. Redwood Street  
 Baltimore, Maryland 21202

BSC 3022  
 September 19, 1995

LEGG  
 MASON

PETITIONER'S  
 EXHIBIT 16.5



- |    |  |  |
|----|--|--|
| 1. | Current Owner:                           | Weinman-Lehman Corporation<br>P O Box 9892<br>C/O Melvin Weinman<br>Baltimore, MD 21208  |
|    | Applicant:                               | Hughes of Baltimore, Inc<br>1584 L. Charwood Road<br>Hanover, MD 21076   |
| 2. | Site Area:                               | .547 Ac ±<br>23,827 SF   |
| 3. | Existing Use:<br>Proposed Use:           | Convenience Store<br>Convenience Store and Fuel Service Station<br>2 pump islands with<br>1 MPD's at each island   |
| 4. | Site Data:                               | Tax Map 103, Block 12, Parcel 297<br>Deed Reference: 42736<br>Tax Account No.: 12-1226017610<br>Zoning: BL-CNS (A.S.)<br>Election District: 12<br>Counincilmanic Dist.: 7<br>Street Address:<br>7500 Wise Ave<br>Dundalk, MD 21222 |
| 5. | Setbacks:                                |  |
|    | Service Station                          | <u>Required</u><br>35' from ROW  |
|    | Fuel Pump                                | <u>Provided</u><br>23'   |
|    | Canopy                                   | 25' from ROW   |
|    | Buffer                                   | 5' from ROW  |
|    | 15' from residentially<br>zoned property | 48'  |
|    | Landscape<br>Transition<br>Area          | 10' from ROW   |
| 6. | Building Height:                         |  |
|    | Existing Convenience Store:              | 15'  |
|    | Proposed 2nd:                            | 18'-2"   |

7. Minimum Site Area  
Convenience Store SF x 4                      8,330 SF  
Fuel Site    16,000 SF  
Total    23,330 SF  
Existing Site Area:                                23,627 SF
8. Parking Required:  
1 special employee on the largest shift       = 3  
5 special 1000 SF of retail                      = 11  
1 special compressed air pump                 = 1  
Total    15  
Parking Provided:                                 17
9. Stacking Required:  
1 special size of pump island                   = 4  
Stacking Provided:                               = 4
10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.
11. There will be signage on three sides of the canopy fascia.
12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week.
13. Public water and sanitary utilities are currently provided to the existing building.
14. Floor Area Ratio:  
Permitted:     = 3.0  
Total Existing:                                   = 0.09  
Total Proposed:                                 = 0.09
15. Amenity Open Space: N/A
16. The location, information and boundary location shown herein have been compiled from a site survey, deeds, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to review.
17. This site was the subject of the following permits:  
41-04    Building  
1135-06     Addition  
Approximate date of last improvement: Spring 1998

18. Signs for the Convenience Store/Full Service Station will comply with Section 413 of the BCZM and all zoning policies.
  19. Restroom facilities, water and compressed air will be provided for customer use.
  20. Zoning History:

This site was the subject of Zoning Case # 2582 R-S which requested the reclassification from an "A" Residential Zone to an "E Commercial Zone and a Special Use" to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.

This site was also the subject of Zoning Case # 3257-S which requested a Special Use for the land for the erection of one illuminated 12' x 25' Poster Panel on the East side of Lynch Road approximately 90' North of Wise Ave. On December 16, 1954, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.
  21. Requested Zoning Action:

Special Exception pursuant to § 405.02B.1 of the Baltimore County Zoning Regulations to allow a full service station at a BL-CHS (A.S.) zone.

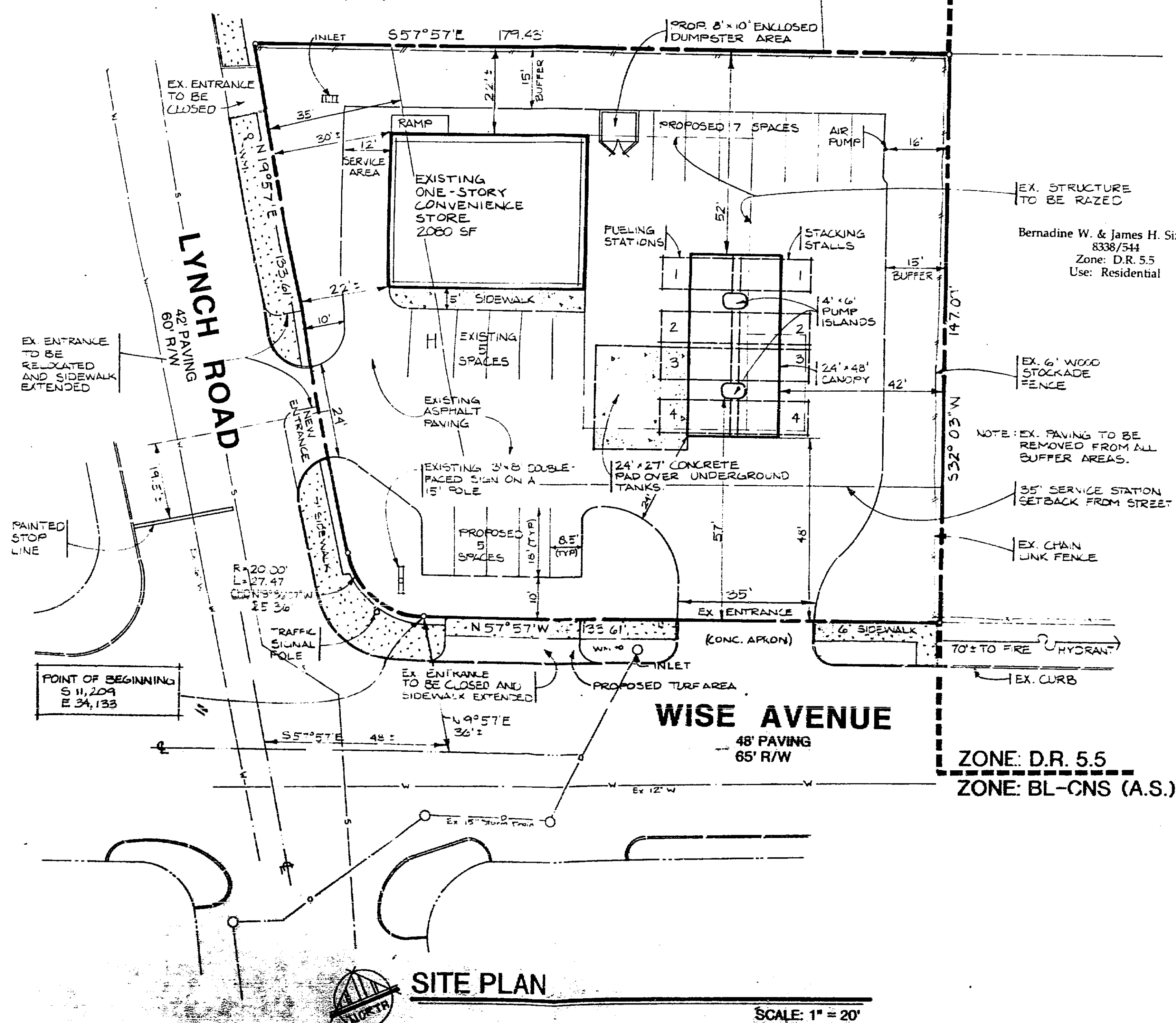
Variance pursuant to § 405.04A.1A to allow a service station building 22 feet from a street right of way in the required 30'
- Attorney:  
G. Scott Barthright  
Wheatcroft, Taylor & Preston  
400 Court Towers  
210 West Falmouth Avenue  
Towson, MD 21204-4515
- (410) 832-2000

Richard C. & Cindy L. Stiegler  
9494/176  
Zone: D.R. 5.5  
Use: Residential

Harold D. & Betty R. McGuire  
6735/142  
Zone: D.R. 5.5  
Use: Residential

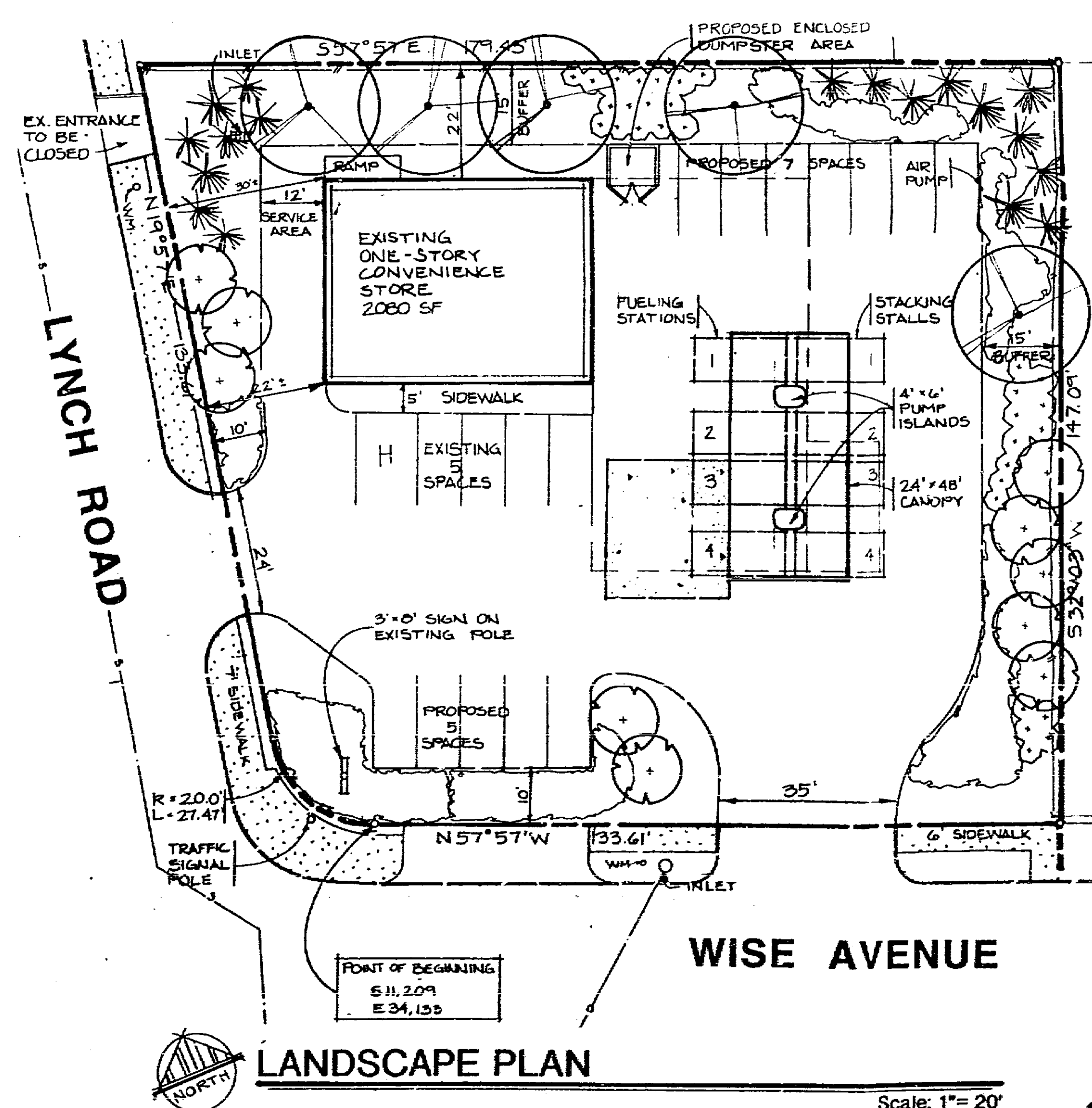
ZONE: D.R. 5.5

-----  
ZONE: BL-CNS (A.S.)



## SITE PLAN




SCALE: 1" = 20'





## ★ LANDSCAPE PLAN

Scale: 1" = 20'

- ### LEGEND

-  Major Shade Tree
-  Flowering Tree
-  Evergreen Tree

-  **Large Shrub**
-  **Shrub**

**DMW**

**Daft-McCune-Walker, Inc.**  
200 East Pennsylvania Avenue  
Touson, Maryland 21286  
(410) 296-3333  
Fax 296-4705

A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

## Site Plan to Accompany Petition for Special Exception and Variance

12th Election District

Baltimore County, MD



DATE		BY		REVISIONS	
ISSUE DATE:			BASE: <u>CLZ</u>		
REVIEW: _____			DRAWN: <u>CLZ</u>		
BID _____			DESIGNED: _____		
PERMIT: _____			CHECKED BY: _____		
CONSTRUCTION: _____			DATE CHECKED: <u>8-7-95</u>		
SCALE: <b>As Shown</b>			DRAWING: _____		
PROJECT NO.: <b>95001</b>					







# NOTES:

1. Current Owner: Weisman, Lehman Corporation  
P.O. Box 1092  
C/O Melvin Weisman  
Baltimore, MD 21208
2. Site Area: 2.47 Ac.  
23,827 SF
3. Existing Use: Convenience Store and Fuel Service Station  
2 pump islands with 1 MFD's at each island
4. Site Data: Tax Map 103, Block 12, Parcel 297  
Deed Reference: 42730  
Tax Account No.: 12-1252017810  
Zoning: BL-CNS (A.S.)  
Election District: 12  
Councilmanic Dist: 7  
Street Address: 7800 Wise Ave  
Dundalk, MD 21222
5. Setbacks:
 

	Required	Provided
Service Station	35' from ROW	23'
Fuel Pump	25' from ROW	37'
Canopy	15' from ROW	48'
Buffer	15' from roadially zoned property	15'
Landscape Transition Area	10' from ROW	10'
6. Building Height: Existing Convenience Store: 15'  
Proposed Canopy: 18'-2"

7. Minimum Site Area: Convenience Store 5F x 4 = 8,320 SF  
Fuel Site = 18,000 SF  
Total = 26,320 SF  
Existing Site Area = 23,827 SF
8. Parking Required: 1 space/employee on the largest shift = 3  
5 spaces/1000 SF of retail = 11  
1 space/compressed air pump = 1  
Total = 15  
Parking Provided: 17
9. Stacking Required: 1 space/side of pump island = 4  
Stacking Provided: 4
10. The proposed canopy is lighted underneath and directed downward. There will be no additional site lighting.
11. There will be signage on three sides of the canopy/facade.
12. Proposed hours of operation: 5:30 AM to 11:00 PM, 7 days a week.
13. Public water and sanitary utilities are currently provided to the existing building.
14. Floor Area Ratio:
 

Permitted	= 3.0
Total Existing	= 0.09
Total Proposed	= 0.09
15. Amenity Open Space: N/A
16. The base information and boundary location shown herein have been compiled from a site survey, deeds, and other sources believed to be reliable; however, their accuracy is not guaranteed and is subject to revision.
17. This site was the subject of the following permits:
 

Building	41-54
Canopy	1135-86
Approximate date of last improvement	Spring 1996

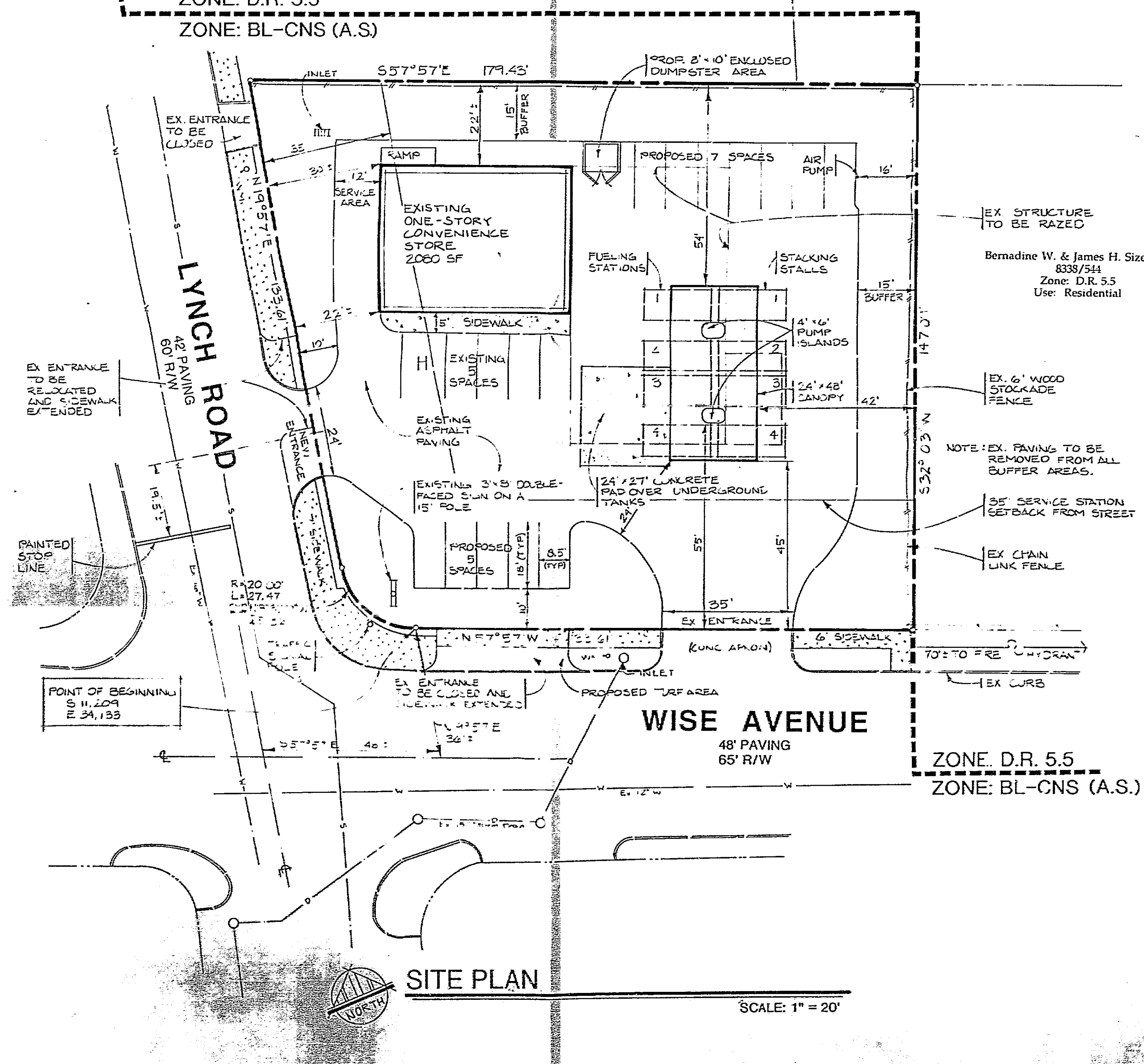
18. Signs for the Convenience Store/Fuel Service Station will comply with Section 413 of the BC.ZR and all zoning policies.
19. Restroom facilities, water and compressed air will be provided for customer use.
20. Zoning History: This site was the subject of Zoning Case # 2582 R.S. which requested the reclassification from an "R" Residential Zone to an "E" Commercial Zone and a Special Permit to use the property for a Gasoline Service Station. On May 22, 1953, the Zoning Commissioner of Baltimore County granted both requests.  
This site was also the subject of Zoning Case # 3257 S which requested a Special Permit to use the land for the erection of one illuminated 12' x 23' Poster Panel on the East side of Lynch Road approximately 20' North of Wise Ave. On December 15, 1954, the Zoning Commissioner of Baltimore County denied the petition on the grounds that the structure would be detrimental to the safety and general welfare of the community.
21. Requested Zoning Action: Special Exception Pursuant to § 405.2.B.1 of the Baltimore County Zoning Regulations to allow a fuel service station in a BL-CNS (A.S.) zone.  
Variance pursuant to § 405.4A.2.A. to allow a service station building 22 feet from a street right of way in lieu of the required 35'

Attorney:  
G. Scott Barright  
Whitford, Taylor & Preston  
400 Court Towers  
210 West Pennsylvania Avenue  
Towson, MD 21204-4315  
(410) 832-2000

Richard C. & Cindy L. Stiegler  
9494/176  
Zone: D.R. 5.5  
Use: Residential

Harold D. & Betty R. McGuire  
6735/142  
Zone: D.R. 5.5  
Use: Residential

ZONE: D.R. 5.5  
ZONE: BL-CNS (A.S.)



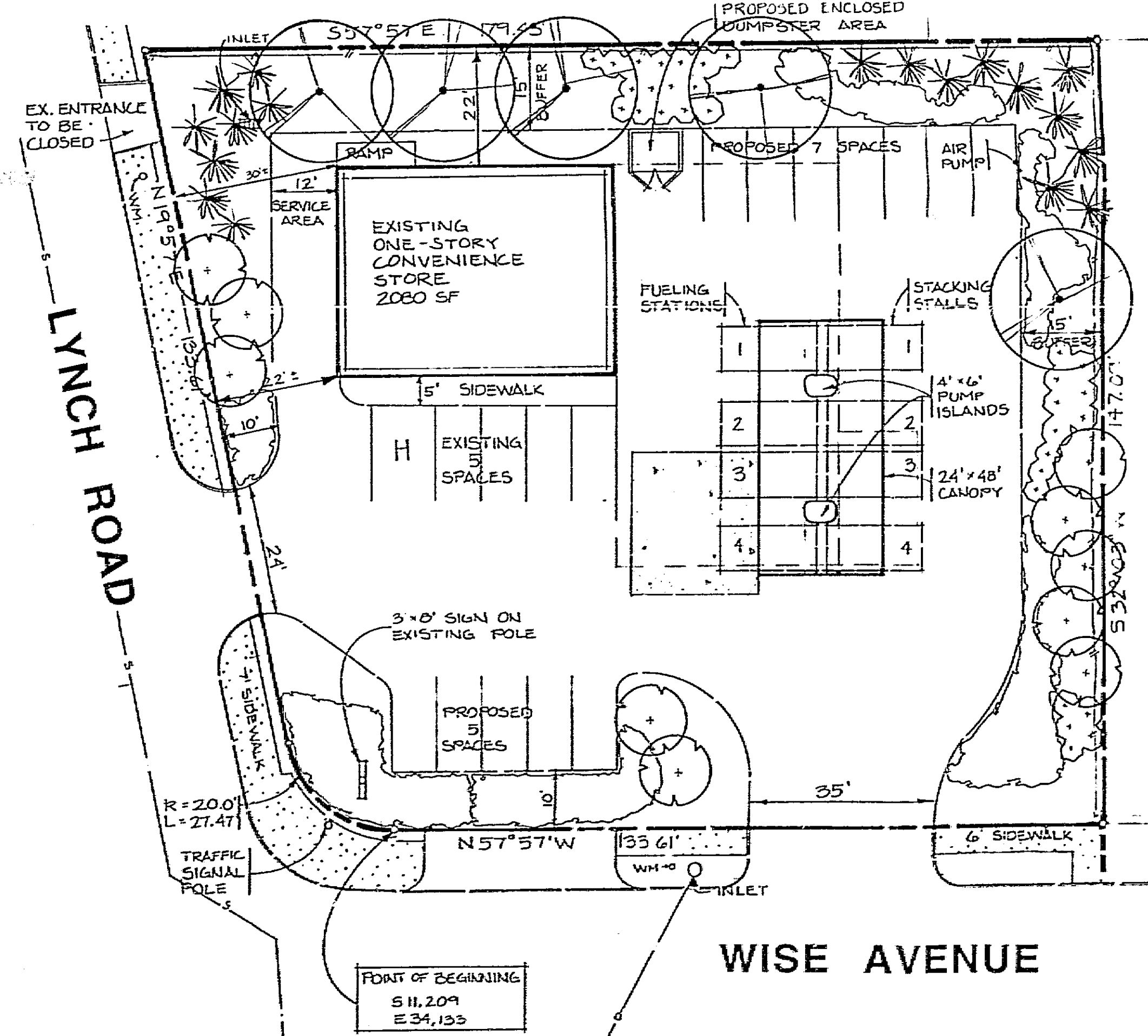
SITE PLAN

SCALE: 1" = 20'

PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP S.E. 3 F

Vicinity Map

Scale: 1" = 1000'



LANDSCAPE PLAN

Scale: 1" = 20'

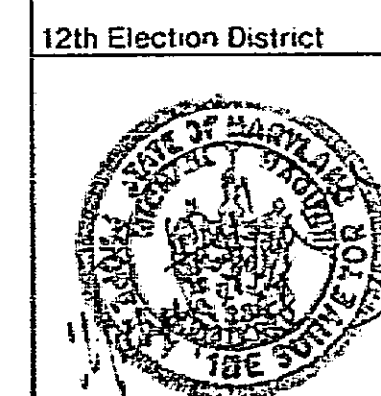
## LEGEND

- Major Shade Tree
- Flowering Tree
- Evergreen Tree
- Large Shrub
- Shrub

PETITIONER'S  
EXHIBIT Nos

**DMW**  
Darr-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21286  
(410) 256-3333  
Fax: 256-4705  
A Team of Land Planners,  
Landscape Architects,  
Engineers, Surveyors &  
Environmental Professionals

Site Plan to Accompany Petition  
for Special Exception and Variance  
**HIGH'S-WISE AVENUE**



12th Election District		Baltimore County, MD	
DATE	BY	REVISIONS	
9-5-95	CLZ	CLZ CANOPY FORWARD 2 S	
		AL ST FRONT LEFT ENTRANCE	
		CLZ	
ISSUE DATES		BASE: CLZ	
REVIEW		DRAWN: CLZ	
DESIGNED		CHECKED BY	
CONSTRUCTION		DATE CHECKED	
SCALE: As Shown		DRAWING	
PROJECT NO. 95001			